

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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DOCKET NO. 1565

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE NATIONAL CENTURY FINANCIAL ENTERPRISES, INC.,
INVESTMENT LITIGATION*Lance Poulsen, et al. v. Harold W. Pote, et al.*, S.D. New York, C.A. No. 1:05-10575BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**TRANSFER ORDER**

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in a Southern District of New York action (*Poulsen*). Movants ask the Panel to vacate its order conditionally transferring *Poulsen* to the Northern District of Ohio for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge James L. Graham. The three *Poulsen* defendants, Harold W. Pote, Thomas G. Mendell and JPMorgan Chase & Co., support transfer of the action.

On the basis of the papers filed and hearing session held, the Panel finds that *Poulsen* involves common questions of fact with actions in this litigation previously transferred to the Northern District of Ohio, and that transfer of the action to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Northern District of Ohio was a proper Section 1407 forum for actions connected in one way or another to the financial collapse of National Century Financial Enterprises, Inc. (a company of which both the *Poulsen* plaintiffs and the two individual *Poulsen* defendants are former officers and/or directors). See *In re National Century Financial Enterprises, Inc., Investment Litigation*, 293 F.Supp.2d 1375 (J.P.M.L. 2003). Section 1407 transfer will permit all actions sharing questions concerning the causes of (and responsibility for) the company's failure to proceed in one litigation before a single transferee judge who can structure pretrial proceedings to consider all parties' legitimate discovery needs, while ensuring that common parties and witnesses are not subjected to discovery demands which duplicate activity that has occurred or will occur in either *Poulsen* or the other constituent MDL-1565 actions.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable James

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J. MICHAEL McMAHON, CLERK

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L. Graham for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman